

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
	)	

**COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION**

**I. Introduction**

The Nebraska Public Service Commission (NPSC) hereby submits these comments in response to the Commission's Fifth Further Notice of Proposed Rulemaking (FNPRM) adopted on February 17, 2006 and released on February 24, 2006.<sup>1</sup> The NPSC appreciates the opportunity to offer comments on the issues raised by the Commission. Telephone numbers from the North American Numbering Plan are a public resource not an asset of the company to whom they are assigned. Failure to treat telephone numbers as a scarce resource that should be conserved could lead to premature exhaustion of the NANP and result in implementation of a relief plan. From a consumer perspective, extending the life of an area code is preferable to the cost and inconvenience of an area code split or overlay that generally results from the implementation of a traditional relief plan. Thousands-block number pooling has been proven to be an effective method of conserving numbering resources and does not unduly encumber or advantage any of the parties involved.

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<sup>1</sup> *In the Matter of Numbering Resource Optimization*, Further Notice of Proposed Rulemaking, CC Docket No. 99-200 (rel. February 24, 2006) ("FNPRM").

## **II. Delegated Authority to the States**

The NPSC supports the FCC's proposal to extend mandatory pooling by giving the states discretion to implement pooling. The NPSC believes that a process which requires the Commission to review each request from the states to extend mandatory thousands-block numbering pooling to NPAs on a case-by-case basis is too time consuming and inefficient. Therefore, the NPSC urges the Commission to delegate authority to implement mandatory thousands-block number pooling to the states. Giving the states the authority to act more expeditiously in response to their individual needs will allow more efficiency in the use of existing numbering resources, minimize costs to subscribers and avoid the premature exhaust of area codes. The Commission observed that several commenters asked the FCC to reaffirm that it would not permit states to implement pooling methods that are inconsistent with the national pooling framework set forth in the Commission's rules and industry pooling guidelines.<sup>2</sup> The NPSC concurs and supports this position. During the study undertaken by the NPSC to consider alternative methods of conserving numbering resources we concluded that only a method consistent with the national pooling framework would be appropriate for implementing thousands-block number pooling.

## **III. The Second Prong as a Framework to the Assumption of Delegated Authority by the States.**

The FCC determined in the *First Report and Order* that thousands-block number pooling authority would be granted to state commissions that could

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<sup>2</sup> *Id.*

demonstrate: (1) an NPA in its state is in jeopardy; (2) the NPA in question has a remaining life span of at least a year; and (3) the NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are local number portability (“LNP”) capable.<sup>3</sup> Subsequently, in the most recent order in this Docket, the Commission stated that, “These three criteria were adopted before implementation of nationwide thousands-block number pooling and before the Commission recognized that full LNP capability is not necessary for participation in pooling.”<sup>4</sup> The Commission further stated that the first and third prongs were no longer applicable in that the first prong would be an inefficient use of resources and further delay the ability to optimize numbering resources and with respect to the third prong, the states were asking for authority outside the top 100 MSAs.<sup>5</sup>

With the current market dynamics and the speed with which new technology is brought to the marketplace it is important to provide all carriers quick access to local numbering resources. The NPSC is of the opinion number conservation methods that can be used by state regulators to meet the needs of customers and carriers without further review and approval by the FCC must be established. The NPSC believes that the concept advanced by the second prong of the test, the remaining lifespan of an NPA, is still a viable test for determining when pooling should be implemented.<sup>6</sup> However, we urge the Commission to establish a

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<sup>3</sup> *Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 99-200 (rel. March 31, 2000).

<sup>4</sup> *Numbering Resource Optimizaton, Order and Fifth Further Notice of Proposed Rulemaking*, CC Docket No. 99-200, (rel. February 24, 2006).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

threshold test for the states to apply to the analysis of the remaining lifespan of their NPAs. Only when each state determines the threshold guidelines established by the Commission have been met could that state assume delegated authority and mandate pooling. The second prong could provide a framework to adopt uniform guidelines for all states, but the NPSC is of the opinion that the Commission should not mandate a specific time period for the remaining lifespan of an NPA as a threshold for assumption of the authority. New technologies and the fast paced nature of the industry requires more flexibility than a specific time period allows for maximum effectiveness.

#### **IV. Recommendations**

The Commission must establish uniform guidelines or standards to enable states to assume delegated authority and implement mandatory pooling in a consistent manner without specific state petitions to the FCC. Any uniform standards adopted by the Commission should include the national pooling framework currently in place. Further, the Commission should take pro-active steps to minimize the number of area codes that may come into jeopardy in the future by directing the Pooling Administrator to designate all rate centers located outside of the top 100 MSAs as Optional Pooling provided they are not currently designated as Mandatory Pooling. An implementation time line would need to be established for the change in designation to Optional Pooling based upon the capability of the infrastructure to make the necessary data base changes. With rate centers marked as Optional Pooling, states would be in a position to work with all

carriers to encourage the use of thousands-blocks number pooling.

Once state regulators determine that the threshold test laid out by the Commission is met, the state should then be required to “opt into” the assumption of delegated authority to implement mandatory pooling and notify the FCC, the numbering plan administrator, and carriers of their intention to actively participate in number conservation. States that opt in and assume the delegated authority could then direct the Pooling Administrator to designate rate centers within the area code as Mandatory Pooling at their discretion. All carriers with access to numbering resources in the rate centers designated as Mandatory would then donate eligible thousands-blocks to the pool. All carriers with numbering resources in the rate centers designated as Mandatory would report their Numbering Resource Utilization and Forecasting at the thousands-block level to the appropriate numbering administrator. Finally, the existing requirements and rules applying to the offering of Local Number Portability to consumers should remain as currently implemented.

## **V. Conclusion**

The NPSC applauds the Commission for investigating pro-active and farsighted approaches to reform the current pooling framework. Our national numbering resources are too valuable to waste needlessly. The best way to accomplish the goal of preserving North American Numbering Plan resources is to

allow the states through delegated pooling authority to manage their own situations in a timely and efficient manner. The Commission should not continue with a case-by-case analysis requiring individual states to separately petition for authority. The Commission should instead give the states the ability and authority to meet the challenges of exhausting numbering resources in an efficient and timely manner.

Dated this 9<sup>th</sup> day of May, 2006.

Respectfully Submitted,

Nebraska Public Service Commission

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